UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,223	11/02/2001	Lee Kamentsky	2657.2009-001	6935

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EXAMINER
YIMAM, HARUN M

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/004,223	KAMENTSKY ET AL.
	Examiner	**Art Unit**	
	Harun M. Yimam	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/02/2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *11/2/01 & 3/11/03*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 7 is objected to because of the following informalities: "the content control data" in line 1 of claim 7 was never disclosed in claim 1. Therefore, Examiner suggest that the claim be rewritten as "The method of claim 1 further comprises a content control data, which includes destination port addresses and data transmission times for the subset of content."

Appropriate correction is required.

Claim 8 is objected to because of the following informalities: There was only a single transmission disclosed in claims 1 and 4. Therefore, the term "transmissions" in lines 3 and 5 of claim 8 should be changed to "transmission".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 5-9, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kadansky (US 6,507,562) in view of Dillon (US 2003/0206554).

Considering claim 1, Kadansky discloses a method for content push

synchronization for bulk data transfer in a multimedia network (column 27, line 65 –

column 28, line 18), comprising:

scheduling transmission of bulk data content (the reliable multicast protocol

model (TRAM) schedules packet transmission—column 16, lines 28-29 and column 29,

lines 33-35);

notifying (by transmitting an alert beacon message) a plurality of end node

devices (destination stations) of the scheduled bulk data transmission (column 6, lines

30-37), such notification including information indicating an expected end time

(identified by the sequence number of the last data packet) for the scheduled

transmission (column 15, lines 7-10 and column 33, lines 48-56);

at the expected end time for the scheduled transmission (upon receipt of the last

transmitted data packet—column 33, lines 49-59), determining if the bulk data content

was received as expected (column 4, lines 47-49 and column 5, lines 54-56); and

if not received as expected, sending a failure indication (NACK—column 4, lines

52-56 and column 38, lines 38-47).

Kadansky discloses transmission of data to all members of a group (column 5, lines 52-54). Kadansky further discloses members/receivers preparing to receive transmitted data by detecting the beginning of transmitted data (column 47, lines 1-5).

Kadansky fails to explicitly disclose end node devices attempting to selectively receive a subset of the content during the scheduled transmission and sender transmitting the data content via broadcast.

In analogous art, Dillon discloses attempting to selectively receive a subset of the content during the scheduled transmission (paragraph 0031, lines 1-5 and paragraph 0131, lines 1-6) and transmitting bulk data content via broadcast (paragraph 0040, lines 1-4 and paragraph 0154, lines 10-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kadansky's system to include selectively receiving a subset of the content and broadcast data transmission, as taught by Dillon, for the benefit of transmitting data to everyone in a multicast group and allowing the end point devices to receive preferred data.

Considering claim 5, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the step of notifying the end node devices includes an expected start time and duration information (Kadansky—column 32, lines 55-59).

As for claim 6, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the step of notifying the plurality of end node devices comprises: delivering transmission schedules (beacon message) to the plurality of end node devices prior to the scheduled transmissions of bulk content (Kadansky—column 6, lines 30-37).

With regards to claim 7, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the content control data comprise destination port addresses (column 37, lines 10-15) and data transmission times for the subset of content (start time, end time, or duration—column 32, lines 55-59).

Regarding claim 8, it is met by the combination of Kadansky and Dillon. In particular, Dillon discloses a method wherein the step of selectively receiving content comprises: listening (monitoring) to the scheduled transmissions for the subset of content on the destination port addresses at the data transmission times (paragraph 0031, lines 1-5); selecting the subset of content during the scheduled transmissions; and receiving the subset of content (selectively receives content from a multicast network—paragraph 0031, lines 1-5).

Considering claim 9, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the destination port addresses are multicast port addresses (Kadansky—column 37, lines 10-21).

With regards to claim 11, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the content is a plurality of promotions (Kadansky—column 11, lines 33-34).

Regarding claim 12, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the scheduled transmissions are scheduled multicast transmissions (Kadansky—column 6, lines 19-40 and column 37, lines 10-21).

Considering claim 13, it is met by the combination of Kadansky and Dillon. In particular, Dillon discloses a method wherein the scheduled transmissions are scheduled broadcast transmissions (Dillon—paragraph 0040, lines 1-4 and paragraph 0154, lines 10-16).

As for claim 14, it is met by the combination of Kadansky and Dillon. In particular, Kadansky discloses a method wherein the content is transmitted multiple times during the scheduled transmissions to ensure that the plurality of end node devices receive the subset of content (Kadansky—column 15, lines 10-12).

With regards to claim 16, Kadansky discloses a method for content push synchronization for bulk data transfer in a multimedia network. Kadansky further

discloses that receivers utilize sequence numbers, which identify a particular data

transmission, to request retransmission of missing packets (column 14, lines 16-20).

Kadansky fails to explicitly disclose that a module ID is included in the failure

notification.

In analogous art, Dillon discloses that a module ID (unique package identifiers) is

included in the failure notification (paragraph 0135, lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Kadansky's system to include a module ID in the failure

notification, as taught by Dillon, for the benefit of identifying the data content being

requested for retransmission.

4.   Claims 2, 3, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kadansky (US 6,507,562) in view of Dillon (US 2003/0206554), as applied to claim

1 above, and further in view of Gupta (6,577,599).

As for claim 2, Kadansky and Dillon disclose retransmission of bulk data content

(missed data packets—column 5, lines 61-67). Kadansky and Dillon further disclose

unicast data flow of messages (Kadansky—column 6, lines 60-62).

Kadansky and Dillon fail to explicitly disclose retransmitting bulk data content to the failing network device via a unicast.

In analogous art, Gupta discloses a method comprising: retransmitting the bulk data content (missed data packets) to the failing network device via a unicast (Gupta—step 520 in figure 5, column 7, lines 35-41 and column 12, lines 37-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Kadansky and Dillon to include retransmission of bulk data content via a unicast, as taught by Gupta, for the benefit of preventing network congestion by individually retransmitting the missed data packets to the appropriate receivers.

With regards to claim 3, it is met by the combination of Kadansky, Dillon and Gupta. In particular, Kadansky discloses a method wherein the failure indication (NACK) indicates a subset of unreceived content and, transmitting only the indicated subset (Kadansky—column 4, lines 51-61 and column 5, lines 61-64).

Regarding claim 15, it is met by the combination of Kadansky, Dillon and Gupta. In particular, Kadansky discloses a method wherein a failure indication is sent again if the retransmission fails (Kadansky discloses that the missed packets are retransmitted until they are all received—column 5, lines 61-64).

5.	Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadansky (US 6,507,562) in view of Dillon (US 2003/0206554), as applied to claim 1 above, and further in view of McNeil (US 6,421,706).

Regarding claim 4, Kadansky and Dillon disclose a method for content push synchronization for bulk data transfer in a multimedia network.

Kadansky and Dillon fail to disclose that transmitting the bulk content additionally comprising using a unicast UDP protocol.

In analogous art, McNeil discloses a method wherein the step of transmitting the bulk content additionally comprising using a unicast UDP protocol (column 7, lines 62-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Kadansky and Dillon to include unicast UDP protocol data transmission, as taught by McNeil, for the benefit of providing an alternate means of data transmission in cases where an endpoint device fails to receive low bit rate video and audio data (column 7, lines 54-66).

6.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kadansky (US 6,507,562) and Dillon (US 2003/0206554) in view of McNeil (US

6,421,706),as applied to claim 4 above, and further in view of Wada (US2003/0007481).

As for claim 10, Kadansky, Dillon, and McNeil disclose a method for content push

synchronization for bulk data transfer in a multimedia network. In particular, Kadansky

discloses that multicasting specifies a destination IP address that is a multicast

address for the message (column 37, lines 10-20).

Kadansky, Dillon, and McNeil fail to explicitly disclose that the destination port

addresses are broadcast port addresses.

In analogous art, Wada discloses a method wherein the destination port

addresses are broadcast port addresses (paragraph 0164, lines 1-14).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combined system of Kadansky, Dillon, and McNeil to

include broadcast port addresses as destination port addresses, as taught by Wada, for

the benefit of transmitting data to all the devices attached to a network (paragraph 0164,

lines 12-14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY

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